

# Valley County Planning and Zoning Commission

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**Katlin Caldwell, Chairman**  
**Ken Roberts, Vice-Chairman**

**Scott Freeman, Commissioner**  
**Carrie Potter, Commissioner**

## MINUTES

Valley County Planning and Zoning Commission

**August 1, 2024**

**Valley County Court House - Cascade, Idaho**

**PUBLIC HEARING - 6:00 p.m.**

**A. OPEN:** Meeting called to order at 6:00 p.m. by Chairman Caldwell. A quorum exists.

PZ Director – Cynda Herrick:	Present
PZ Commissioner – Katlin Caldwell	Present
PZ Commissioner – Scott Freeman:	Present
PZ Commissioner – Carrie Potter:	Present
PZ Commissioner – Ken Roberts:	Excused
PZ Planner II – Lori Hunter:	Present

**B. MINUTES:** Commissioner Potter moved to approve the minutes of July 11, 2024. Commissioner Freeman seconded the motion. Motion passed unanimously.

### **C. OLD BUSINESS:**

**1. C.U.P. 24-09 – Amendment of C.U.P. 19-09 The Retreat McCall - Event Venue:**

Colby Rampton is requesting an amendment of the approved conditional use permit. Modifications include short-term rentals of the guest rooms, additional parking area, and an extension of the phasing plan to allow construction to commence in June 2029. The event venue was approved April 23, 2019. Septic systems and an individual well would be used. Access is via an existing driveway off Boulder Lake Road, a public road. The 40-acre site is addressed at 1400 Boulder Lake RD, RP18N04E198401 and RP18N04E198556 in the SWSE Section 19 and N ½ of Section 30, T.18N, R.4E, Boise Meridian, Valley County, Idaho. Action Item. **Tabled from June 13, 2024**

Chairman Caldwell introduced the item.

Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Commissioner Freeman moved to move C.U.P. 24-09 – Amendment of C.U.P. 19-09 The Retreat McCall - Event Venue from the table. Commissioner Potter seconded. Motion passed unanimously.

At the public hearing on July 11, 2024, all those present who wished to testify on C.U.P. 24-09 were given the opportunity. The applicant's rebuttal and Commissioner deliberations were tabled until August 1, 2024.

Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Additional emails received since June 13, 2024; staff does not believe new information was included.

The public notice sign was originally posted in the wrong location on Boulder Lake Road on May 21, 2024; it was moved to the correct site on May 23, 2024. This met the requirements of State and Valley County Code regarding posting of public hearings. There is an error in the meeting minutes of June 13, 2024, which will be corrected during the PZ Commission meeting in September 2024. The word “not” is missing from “The concept of shelter in place is a realistic option for this area” in Susan Rost’s testimony.

Chairman Caldwell asked for the applicant’s rebuttal.

Colby Rampton, 13779 Sweet Iron CT, McCall, addressed concerns that had been mentioned by the neighbors. Steps have been taken on-site to address fire concerns. Within the building is a 2,500-gallon water tank which would enable 30 minutes of sprinklers within the building. He has worked with both local and state fire agencies for permitting. The power line for the tank is a separate line to the transformer than for the remainder of the site. There will also be a 6,000-gallon water cistern for the water needs of the building. The fire department has stated that they would prefer to draw water from the nearby creek if there was a forest fire. Fire mitigation has occurred on the property. The adjacent property owner to the south submitted a letter in support of this project.

Regarding noise impacts, it is obvious that some of the people who commented did not realize that construction and winter plowing has already occurred. There is approximately 0.8 miles between the site and the nearest home, about the same distance from Hotel McCall to Riddleys in McCall. Most homes in the closest subdivision are surrounded by trees. The distance and trees mitigate noise impacts.

Mr. Rampton clarified laundry and catering for the site [Exhibit 3, June 13, 2024]. Initial application had five cabins and one event space. The event building will be plumbed for laundry facilities to clean laundry from the cabins. The event building also will have a warming kitchen. Laundry will be done off site until the event building is completed.

Mr. Rampton referenced the existing development agreement. During the past calendar year, they paid approximately \$13,000 for dust abatement on a one-mile road section, snow plowing, and sanding. During a normal snow year, the cost would likely be about \$15,000. Mr. Rampton stated that the percentage of travel for this site is small compared to other traffic that uses Boulder Lake Road. There is an active grazing lease on adjacent state land although cattle do not appear to be there yet this year. The lease site for the zipline on State of Idaho land comes to the eastern edge of private property. In addition, the Board of County Commissioners have discussed having a campground along Boulder Lake Road, west of the event venue site. Thus, both sides of the site are not residential uses.

Mr. Rampton responded to questions from Commissioners. He believes it is reasonable to require a full-time manager on-site. In the long-term, food/catering would be at the event venue space. Approval already includes on-site tents for food. During the next two to three years, food can be provided in a tent until the venue area is constructed. A one-bedroom in the building can be converted to a break room with a sink and fridge. Possibly a heated tent.

Additional parking was discussed. The parking area can mitigate fire concerns by reducing spread of a fire from the site. There would be a few dedicated campfire locations located west of the building. These can be served by a hose from the well. They are cognizant of wildfire concerns.

The number of events and people were discussed. As stated in the June Staff Report, existing approval includes a maximum of three groups per calendar week, six groups per month with a maximum of 120 guests, and four additional groups per month with a maximum of 40 guests. Music was a concern for C.U.P. 19-09.

Commissioner Freeman added that short-term rentals could increase traffic impacts. Mr. Rampton stated that up to 10 groups per month would have multi-night stays. Essentially the number of people on site would not change from the original approval. During group events, people arrive and leave at about the same time. Smaller groups for short-term rentals would have different arrival and departure times; thus, dispersing traffic throughout the day. Traffic on Boulder Lake Road is growing.

Short-term rentals would not occur during larger events. Events would book the entire site. There is a shortage of event venues in the McCall area. Mr. Rampton believes the overall effect of allowing short-term rentals would mitigate some of the concerns of events.

The current building under construction took place of the five cabins as approved by the Commission. Another building will be built in future for events. Kitchen facilities were discussed. The original approval did not include a kitchen and specifically said no washing of ditches on site. Mr. Rampton said a warming kitchen is a site for caterers to stage food in the venue place. Director Herrick referenced the Central District Health (CDH) responses. The location of the event venue building was discussed during the June meeting. It would be on the parcel purchased in 2019. The site plan that was included in C.U.P. 24-09 was only for the proposed changes in this application.

The Commissioners agreed that Mr. Rampton's rebuttal or the submitted emails did not include new information. Chairman Caldwell closed the public hearing and the Commissioners deliberated.

Commissioner Freeman stated that when the original event venue application occurred, a number of event venues were being proposed in Valley County. Neighbors don't want to have weddings or music events next door every week or so. This site was further removed from neighbors which is one of the reasons it was approved by the Commission. Commissioner Freeman has concerns about the traffic impacts of this proposed amendment and the likelihood of an increase in number of vehicles.

Quiet hours, speed limits, and fire mitigation were discussed. Chairman Caldwell believes this proposal is more of a hotel/motel use. There would be less control of the individual small groups compared to larger events. The site will see year-round use. There are issues with kitchens and food. It appears a hotel-type breakfast is proposed. Chairman Caldwell obtained a (-3) compatibility rating. Impacts that cannot be mitigated include traffic, environmental concerns, and CDH issues.

Commissioner Potter also has reservations. The initial application was appealed and then approved with conditions due to comments. This is a request to make additional changes. Commissioner Potter believes the initial approval should be upheld. The site would be used year-round by recreationists and be an asset to the community. The applicant should work on managing the day-to-day operations of the venue and meeting CDH requirements. People are going to wash dishes on site if they see a sink.

Commissioner Freeman moved to approve C.U.P. 24-09 – Amendment of C.U.P. 19-09 The Retreat McCall - Event Venue with the stated conditions. Motion died for a lack of a second.

Commissioner Potter moved to deny C.U.P. 24-09 – Amendment of C.U.P. 19-09 The Retreat McCall - Event Venue. Chairman Caldwell seconded the motion.

There was discussion on whether to approve the request for an extension of the phasing plan to allow construction of the event venue to commence in June 2029. C.U.P. 19-09 includes a full site plan with the event venue.

Commissioner Potter amended her motion to deny C.U.P. 24-09 – Amendment of C.U.P. 19-09 The Retreat McCall - Event Venue and to approve an extension of the phasing plan to allow construction of the event venue to commence in June 2029. Chairman Caldwell seconded the amended motion.

Chairman Caldwell and Commissioner Potter voted in favor of the motion; Commissioner Freeman voted in opposition. The motion carried.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

6:38 p.m.

#### **D. NEW BUSINESS:**

1. **C.U.P. 24-18 Gove Short-Term Rental and Private Airstrip:** Gary Gove is requesting approval for the short-term rental of an existing home and apartment. An individual septic system and individual well are used. A private grass airstrip without lighting is also proposed. The 40-acre site, addressed at 3789 West Mountain RD, is parcel RP18N02E240004, located in the NE ¼ Section 24, T.18N, R.2E, Boise Meridian, Valley County, Idaho. Action Item.

Neither the applicant nor a representative were present.

Chairman Caldwell continued the item until later during the meeting.

6:44 p.m.

2. **C.U.P. 24-19 [REDACTED] Short-Term Rental:** [REDACTED] is requesting a conditional use permit for the short-term rental of an existing home. The detached apartment would be used as a long-term rental. An individual well is used; North Lake Recreational Sewer and Water District supplies central sewer. The 0.46-acre site, addressed at 13156 A Cameron DR, is Mountain Meadows Subdivision No. 2 Lot 12 Block B, located in the SW ¼ Section 8, T.16N, R.3E, Boise Meridian, Valley County, Idaho. Action Item.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibits:

- **Exhibit 1** – Mark and Jessica Fuller, adjacent neighbors at 13158 Cameron Drive, are opposed (July 30, 2024)

Director Herrick responded to questions from the Commissioners regarding Valley County Code. An Accessory Dwelling Unit (ADU) is limited to a maximum of 1000-sqft of living space or 50% of the primary residence living space. The property owner is required to use either the primary residence or the ADU; however, full-time occupancy of the home is not required. The other can only be a long-term rental. Neither the primary residence or the ADU can be used for short-term rentals unless a conditional use permit is obtained. Valley County Code specifically states a maximum of 2.5 dwelling units per acre for residential uses. However, there is a caveat that allows for long-term rentals at higher density. The applicant wishes to be able to short-term rent the primary home and long-term rent the existing ADU.

Chairman Caldwell asked for the applicant's presentation.

██████████ stated they bought the lot to build a cabin for a second home. They did not intend to use it as a short-term rental. Construction of the home began in May 2023 and they received a certificate of occupancy in June 2024. The builder underestimated the cost of construction. Therefore, they are seeking to rent out the main home to off-set mortgage costs. It would be rented a maximum of one week per month. The home is a four-bedroom home with a loft. There are enough beds for 12 people. They wish to long-term rent the ADU to help with local worker housing and to have someone on the property when they are not present. She understands the neighbor's concerns of a short-term rental in the neighborhood.

Chairman Caldwell asked for proponents. There were none.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Commissioner Freeman is not a big supporter of short-term rentals and understands the concerns of neighbors. He does appreciate that the applicant is looking at options due to construction costs. Having someone living at the ADU full-time would help keep guests at the short-term rental in control. Commissioner Potter does not have an issue since the ADU would be used as a long-term rental; the resident would not want to have rowdy guests either. She sympathizes with building costs and approves of limited use of a short-term rental. There was discussion on Valley County Code versus Idaho Code requirements for short-term rentals. The ADU is administrative permit; however, Valley County Code requires a conditional use permit to rent out either the primary home or the existing ADU as a short-term rental. There was discussion on limiting the number of cars, guests, parking, and quiet hours. North Lake Recreational Sewer and Water District did not comment on this application but did approve both the home and ADU for sewer hookups.

There was discussion on the requirement of a development agreement. Chairman Caldwell stated that a development agreement should be required to be fair and equitable to all applicants in order to mitigate impacts to the neighbors. Commissioner Freeman concurred that this use would have impacts. Commissioner Potter stated it would be similar if someone was living there full time. Director Herrick will discuss this with the Board of County Commissioners.

Commissioner Potter moved to approve C.U.P. 24-19 ██████████ Short-Term Rental with the stated conditions and:

**COA:** Cannot short-term rent the home more than one week per month.

**COA:** Cannot park on the street.

**COA:** Short-term Rental guests are limited to four cars.

**COA:** Quiet hours are from 10:00 p.m. to 8:00 a.m.

**Revised COA #17:** Guests are limited to maximum of 12 in the short-term rental residence. There shall be no associated RV's or tents used to supplement the maximum occupancy.

Commissioner Freeman seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

7:07 p.m.

- 3. C.U.P. 24-20 Fee Multiple Residences, Pond, and Gravel Sales:** Dustin Matthew Fee is requesting approval for four residences on one parcel, pond excavation, and the sale of excess materials. The homes would have individual wells and individual septic systems. Access would be from a shared driveway onto Highway 55. Materials from the pond would be used for the driveways and house pad locations; excess materials would be sold. The existing home is addressed at 13698 Highway 55. The 20-acre parcel is RP17N03E152316 located in the NE ¼ Section 15, T.17N R.3E, Boise Meridian, Valley County, Idaho. Action Item

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Director Herrick presented the staff report, displayed the site and GIS map on the projector screen, and summarized the following exhibit:

- **Exhibit 1** – Valley Soil and Water Conservation District’s response in opposition to the creation of a pond. (August 1, 2024)

Director Herrick discussed the proposed pond. People are allowed to use dirt on their property to build-up driveways and building sites. Ponds require permits from Idaho Department of Water Resources.

Chairman Caldwell asked for the applicant’s presentation. Dustin Fee, 13698 Highway 55, would like to add three additional homes to the parcel for use by family. The property would be owned by a family trust. He would like to add a pond and use the excavated materials, similar to what multiple neighbors have done. The driveway would be on the south side of the property as the Idaho Power easement for the homes would be on the north side of the property without enough room to extend the existing driveway. The proposed homes would be stick-built, single-story construction. The excavation would begin in May 2025 and be finished in October 2025. He has talked to Idaho Department of Water Resources and was told he could build a “sizeable pond” without a permit, but not as big as the approximately 150,000-sqft pond that is on the adjacent property to the north. The Bitton pond is approximately 62,500-sqft. Mr. Fee expects to excavate a 52,500-sqft pond. He is willing to prohibit short-term rental use of the homes.

Chairman Caldwell asked for proponents.

Josie Burgess, 13698 Highway 55, wants to provide affordable housing for her family.

Chairman Caldwell asked for undecided. There were none.

Chairman Caldwell asked for opponents. There were none.

Chairman Caldwell closed the public hearing. The Commission deliberated. Chairman Caldwell stated that this was a good application. She approves of the strict conditions of approval and parameters. There is precedence for approval of this type of application on several properties in the area. She would like conditions of approval that prohibit short-term rentals and require the pond and gravel excavating to be completed by December 2026. The excess materials have to be gone and ground reseeded by December 2026. COA #7 requires either a permit or correspondence from Idaho Department of Water Resources. Commissioner Freeman concurred. The applicant wants to keep land in the family. It makes sense to use materials onsite; this will reduce the truck traffic which would be necessary if materials were needed to be brought to the site. Commissioner Potter agreed with previous comments.

Commissioner Freeman moved to approve C.U.P. 24-20 Fee Multiple Residences, Pond, and Gravel Sales with the stated conditions and

**COA:** No short-term rentals allowed.

Commissioner Potter seconded the motion. Motion carried unanimously.

There is a 10-day appeal period to the Board of County Commissioners in accordance with Valley Code 9-5H-12.

**4. C.U.P. 24-18 Gove Short-Term Rental and Private Airstrip:** This matter was continued earlier during the meeting.

Chairman Caldwell introduced the item and opened the public hearing. Chairman Caldwell asked if there was any exparte contact or conflict of interest; there was none. Neither the applicant nor a representative was present. However, there were three people in the audience who wished to give testimony.

Emily Hart, McCall Airport Manager, previously provided written comments. Federal Aviation Administration (FAA) approval of Form 7480-1 for new private airstrips should be a condition of approval if this conditional use permit is approved by the Commission.

Shelley Luper, 200 Northwoods CT, referred to the staff report. The applicant does not appear to have an approved septic system. The property is pending sale. She has concerns regarding the McCall Airport airspace, including length, width, and height (elevation) of likely flight patterns for this private airstrip. It would conflict with the regular McCall Airport traffic. In addition, this airstrip would conflict with the smokejumper practice sites that exist in the hills beyond the home. The airstrip is unnecessary due to the nearness of McCall Airport. Fire risk is a big concern. The homes to east and south have been going through the Valley County fire mitigation process and are very fire conscious.

Mike Weiss, 43 Pearson Lane, is a certified flight instructor and has been flying for 53 years. McCall Airport has one of the only six instrument towers in Idaho. McCall Airport has an instrument approach procedure to maintain separation of aerial traffic during times of cloud cover. The next closest one is at the airport near Weiser, Idaho. The FAA is very protective of instrument approach procedures. He submitted pictures of the aeronautic chart for the McCall area (**Exhibit 1**). The protected airspace around McCall is about 30 miles long and 15 miles wide. It starts over Sugarloaf Island and goes north. He does not believe the applicant is likely to get FAA approval for a new private airstrip. In general, planes land to north and take off to the south in McCall due to safety and noise abatement. This proposed strip is perpendicular to the McCall airstrip; would have to land to the west and take off to the east due to terrain. This would impact the McCall airspace. The FAA defines "near misses" as closer than 500 feet; therefore, a plane using this proposed airstrip would be considered a "near miss".

Commissioner Freeman moved to table C.U.P. 24-18 Gove Short-Term Rental and Private Airstrip to September 12, 2024, at 6:00 p.m. Commissioner Potter seconded. The motion passed unanimously.

## **E. OTHER:**

**1. C.U.P. 20-33 Valley County Pickleball – Food Vendors.** Action Item.

A conditional use permit was approved and a beautiful outdoor pickleball facility has been recently constructed. There has been discussion regarding food vendors at the site and Condition of approval #18. Commissioners determined that rental fees for vendors would go to support pickleball facilities. A snack bar that is present 100% of the time must be ran by pickleball clubs. During events, food trucks would pay rent that would go towards facility maintenance. Food trucks will only be allowed on-site during events.

## **F. FACTS AND CONCLUSIONS – Action Items:**

- C.U.P. 24-11 Kroll RV Rental Sites
- C.U.P. 24-12 Droptine Meadows Subdivision
- C.U.P. 24-13 Saddle Rock Subdivision Phase 3 and 4
- C.U.P. 24-16 Paradigm Office, Shop, and Multiple Residences

- C.U.P. 24-17 Paradigm Storage Condominiums

Commissioner Potter moved to approve the Facts and Conclusions as presented and authorize the chairman to sign. Commissioner Freeman seconded the motion. Motion carried unanimously.

The Commissioners rescheduled the upcoming work session from August 15, 2024, to August 29, 2024. It will begin at 8:00 a.m.

Chairman Caldwell adjourned the meeting at 7:45 p.m.